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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,488	07/27/2006	Stefan Gustavsson	PS03 0228US	5172
58561 7590 05/29/2008 HARRITY SNYDER, L.L.P. 11350 RANDOM HILLS ROAD SUITE 600 FAIRFAX, VA 22030			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 05/29/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,488

Applicant(s)

GUSTAVSSON, STEFAN

Examiner

DISLER PAUL

Art Unit

2615

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 11-14, 16 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CIS)
- Paper No(s)/Mail Date 7/27/06

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Response to Argument

In regard to the Applicant's argument that the newly amended limitation "actively damp the receiver while the speaker is active" is not taught by the cited prior art, the examiner disagreed. As pointed out in the rejection below, Lechner clearly teaches this limitation: see Lechner, fig.1-3. wt (5,9); page 2 par[0018] at line (28); page 1 par[0010] line 12-15/control either speaker/receiver during operation of speaker, e.g., actively damp the receiver 2 (i.e., turning off the headset speaker 2) while the speaker is active (i.e., while the speaker 3 is on).

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10,15,18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lechner ("US 2006/0262945 A1).

Re claim 1, Lechner disclose of the portable electronic device, comprising: a speaker (3 in fig. 1) and a receiver (the headset speaker 2 in fig. 1) for sound reproduction, the speaker and receiver sharing a back volumes space within the portable electronic device (fig.1-4 wt (3,2); page 1 par[0002]/with shared circuit wt (8)) ; and a control unit configured to: actively damp the receiver while the speaker is active (fig.1-3. wt (5,9); page 2 par[0018] at line (28); page 1 par[0010] line 12-15/control either speaker/receiver during operation of speaker, e.g., actively damp the receiver 2 (i.e., turning off the headset speaker 2) while the speaker is active (i.e., while the speaker 3 is on).

Re claim 2, the device of claim 1, wherein said control unit controls switching between speaker mode and sound receiver mode (fig.1-4 wt (5,9); par[0002,0018]).

Re claim 3, the equipment of claim 2, However, Lechner is silent in regard of the specific wherein when actively damping the receiver, the control unit is configured to control voltage or current applied to actively reduce acoustic leakage from the receiver when the speaker is active. However, Lechner did disclose of having a circuit with switching/control device wherein switch is placed in between the resistor and signal for allowing only exclusive audio/buzzer signal to the loudspeaker while the other earpiece may be in operation(fig.3, col.2 par[0020]/ earpiece may not be entirely turned off), thus with the above disclosure, it is inherent of the existence of such controlling unit is arranged to control voltage or current over the receiver such to actively reduce acoustic leakage from the receiver when the speaker is active.

Re claim 4, the device of claim 1, wherein the device is a cellular phone, a smart phone or a communicator (par[0002]).

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Re claim 5 has been analyzed and rejected with respect to claim 1.

Re claim 6, the method according to claim 5, wherein the actively damping the receiver comprises: controlling voltage or current applied to the receiver to reduce leakage from the receiver when the speaker is active (see claim 3 rejection).

Reclaim 7, the method of claim 5, wherein switching between speaker mode and sound receiver mode to provide damp the receiver while the speaker is active (fig.1-2 wt(5,9)/controlling receiver while speaker active/operation).

Re claim 8, the device of claim 2, wherein the device is a cellular phone, a smart phone or a communicator (par[0002]).

Re claim 9, the device of claim 3, wherein the equipment is a cellular phone, a smart phone or a communicator (par[0002]).

Re claim 10, the method of claim 6, further comprising: switching between speaker mode and sound receiver mode to damp the receiver while the speaker is active fig.1-2 wt(5,9)/controlling receiver while speaker active).

Re claim 15 has been analyzed and rejected with respect to claim 1.

Re claim 18, the device of claim 15, wherein the control unit is further configured to: switch between a first mode when an incoming communication is received and a second mode when no incoming communication is being received (par[0002,0018]/buzzer and communication speaker via switched).

Re claim 19, the device of claim 15, wherein the second mode, the control unit is configured to not damp the second speaker.

Re claim 20, the device of claim 15, wherein the device comprises a cellular phone, or a communicator (par[0002]).

Allowable Subject Matter

3. Claims 11-14,16-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Re claim 11, while, Lechner disclose of the portable electronic device, comprising: a speaker and a receiver for sound reproduction, the speaker and receiver sharing a back volumes space within the portable electronic device; and a control unit configured to: actively damp the receiver while the speaker is active.

However, He fail to disclose of the specific wherein the control unit is configured to constrain a diaphragm of the receiver to a fixed poosition.

Re claims 12-14,16-17 have been analyzed and objected for same reason as claim 11 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

/Vivian Chin/

Supervisory Patent Examiner, Art Unit 2615